

New Carlisle Town Council Work Session Memoranda, September 27, 2016

The work session was held in the Council Chambers at 6:09 PM.

Present were President Carter, Vice President Vojtko, Council Member Rypma, Council Member Vermillion, Council Member Budreau and Clerk-Treasurer Susan Moffitt.

Also in attendance were Jared Huss, Andrea Halpin, Derrick Czarnecki, Jennifer Moore, Dave Doll, Bob Middlebrook, Carol Middlebrook, Randy Clark, Mary Ann Swope, Kathy Aurenz, Jill Doll, Jeff Roseboom, Sandy Colpitts, Ron Colpitts, Marcy Kauffman and Cal Dittmar.

President Carter stated that the purpose of the work session is for continued discussion of proposed changes to the sidewalk café ordinance.

Proposed changes include additional information on café permit to include an email address, page 2 to be corrected in entirety and Page 3, Line 6 changed to fence no longer allowed to be permanently anchored into the sidewalk. President Carter stated that there are numerous ways to place a fence without damaging the sidewalk, including use of a plate.

President Carter stated that the fences can be either removed or pushed back against the building at the end of the season, the time frame of which will be up for discussion in the future. He reports that Moser's has requested to keep the outdoor seating through Thanksgiving weekend because of the parade and this will be the end of the season officially but should we have a mild December it could be discussed. The beginning of the season would be when the weather breaks and will be determined.

Jared stated that having a date of when that will generally be set with discussion between the council and business owners. Jennifer Moore stated that Moser's has a black Friday tradition of the guys sitting outside regardless of weather that they would like to continue.

Ron Colpitts suggested perhaps having basic start and end dates but allowing the actual dates to be negotiable and dependent on weather, etc. Jared suggests verbal approval from Bob as Code Enforcement to begin or continue use of outside seating.

Derek Czarnecki suggested that since business owners are responsible for snow removal and fences will no longer be fastened, they be allowed to determine when the outdoor seating is used.

Marcy Kauffman also suggested they be left out all of the time and then the snow ordinance be enforced.

Andrea Halpin reminded everyone that this would be a safety issue should the FD have to come and the area not have been kept clean and clear of snow.

Jared stated that he likes Derek's idea from the context of the snow ordinance. Instead of burdening Bob and putting on a restriction, make it the businesses responsibility to determine usage of the outdoor seating area, including snow removal and any issues with snow that melts and creates ice.

Council Member Budreau stated that he agrees that if it stays out there it is better for the business owners and feels it is a problem if we put dates on it and also that we need another conversation about the snow removal ordinance.

President Carter expressed that the main concern is the anchoring. Derek stated that he agrees and feels that it is too bad that provisions weren't made two years ago when the new sidewalks were installed and there would not have been anchors in the concrete.

President Carter stated that if possible, he wants anchors removed and plates done by the end of this season/November so that the town can repair the anchor areas to assure they are done correctly . Derek stated that he would like to come up with a plate that doesn't rust and mark up the sidewalk and if, upon investigation, they can be done by the end of the year he will.

It was decided to leave the dates of outdoor seating to the discretion of the business owners and Section 7 will be removed except for last sentence that requires snow removal by the property owner.

Section 15 - will be enforced including the permit completed fully including drawing of layout, insurance certificate and date for submittal or permits will not be issued.

Derek Czarneck asked if it isn't correct that ADA requirement is actually 4' clearance and not 5'. Jared stated that while correct, the town has adhered to a 5' standard. He also stated that there should be no more than ¼ inch lip on plates in the ADA area/pathway.

President Carter stated that anywhere in the ordinance it speaks of permanently anchored fencing, that language will be removed.

The Work Session adjourned at 6:33.

Ken Carter, Council President

Attest: Susan I. Moffitt, Clerk-Treasurer